

United States Bankruptcy Court
Middle District of Tennessee

CDS Business Services, Inc., d/b/a Newtek,
Plaintiff
America Cares Trust (ACT),
Defendant

Adv. Proc. No. 20-90140-RSM

CERTIFICATE OF NOTICE

District/off: 0650-3

User: jmw0113

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Date Rcvd: Sep 01, 2021

Form ID: pdf001

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 03, 2021:

Recip ID	Recipient Name and Address
pla	+ CDS Business Services, Inc., d/b/a Newtek Business, c/o Daniel H. Puryear, Esq., Puryear Law Group, 104 Woodmont Boulevard, Suite 201 Nashville, TN 37205-2245

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cd	*+	CDS Business Services, Inc., d/b/a Newtek Business, c/o Daniel H. Puryear, Esq., Puryear Law Group, 104 Woodmont Boulevard, Suite 201, Nashville, TN 37205-2245

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 03, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 1, 2021 at the address(es) listed below:

Name	Email Address
DANIEL CHAMBERLIN FLEMING	on behalf of Creditor BANK OF AMERICA N.A. dfleming@wongfleming.com sshalloo@wongfleming.com
DANIEL HAYS PURYEAR	on behalf of Counter-Defendant CDS Business Services Inc., d/b/a Newtek Business Credit dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com
MEGAN REED SELIBER	on behalf of U.S. Trustee US TRUSTEE megan.seliber@usdoj.gov

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Total Noticed: 1

SAM J. MCALLESTER, III
on behalf of Defendant America Cares Trust (ACT) smcallester@bonelaw.com

US TRUSTEE
ustpreion08.na.ecf@usdoj.gov

WILLIAM JOSEPH HAYNES III
on behalf of Defendant America Cares Trust (ACT) whaynes@bonelaw.com lparker@bonelaw.com

TOTAL: 6

Dated: 9/1/2021



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	Case No. 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	
)	Chapter 7
Debtor.)	
_____)	
)	
CDS BUSINESS SERVICES, INC. d/b/a)	
NEWTEK BUSINESS CREDIT,)	
)	
Plaintiff,)	
v.)	Adv. Proc. No. 3:20-ap-90140
)	
AMERICA CARES TRUST d/b/a)	
CARENATION,)	
)	
Defendant.)	

**AMENDED ORDER REGARDING MOTION TO FILE AMENDED
AND SUPPLEMENTAL COMPLAINT**

CDS Business Services, Inc. d/b/a Newtek Business Credit (“CDS”) has a pending motion for leave to file an amended and supplemental complaint against America Cares Trust d/b/a CareNation (“CareNation”). The Court previously entered an order at Doc. 79 scheduling a hearing on the Plaintiff’s motion. However, after the motion was filed, CareNation’s attorneys filed a motion to withdraw as counsel, which is being granted by separate order. Due to the potential implications arising out of the withdrawal of counsel, the Court hereby amends the scheduling order relating to the motion to file the amended complaint as follows:

1. Any opposition to the motion must be filed by **September 17, 2021**.

2. If no timely response is filed, CDS may submit an order granting the motion. Once that order is entered and CDS has filed its amended and supplemental complaint, a response to the amended complaint will be due 14 days after service pursuant to Fed. R. Bankr. P Rule 7015 and Fed R Civ P 15(a)(3) unless that time is extended by the Court. The Court may also schedule a pretrial/scheduling conference after the amended complaint is filed.

3. If a response is timely filed opposing the relief in the motion, a hearing will be conducted at **9:30 a.m. on September 28, 2021**, in Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee (unless circumstances arise resulting in a subsequent order converting it to a video or telephonic hearing).

4. If the hearing remains scheduled for in-person participation, any motion to appear by video or telephonically instead of in person shall be filed no later than **September 23, 2021**.

IT IS SO ORDERED.

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.